



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL WEATHER SERVICE
1325 East-West Highway
Silver Spring, Maryland 20910-3283

MAY 23 2003

Mr. Barry Lee Myers
Executive Vice President
AccuWeather, Inc.
365 Science Park Road
State College, Pennsylvania 16803

Dear Barry:

Thank you for your letter of April 22, 2003, regarding wireless Internet access to National Weather Service (NWS) warnings and forecasts. General Kelly asked me to respond.

Formatting existing NWS products in open, industry-recognized standards is fully consistent with established Federal government information policy and the recommendations of the recent National Research Council (NRC) report "Fair Weather: Effective Partnerships in Weather and Climate Services." The Paperwork Reduction Act of 1995 (PRA) and its implementing guidance, OMB Circular No. A-130, "Management of Federal Information Resources," set forth the fundamental obligation of government agencies actively to disseminate taxpayer funded information to the general public. Circular A-130 states:

Agencies **shall** use electronic media and formats, including public networks...in order to make government information more easily accessible and useful to the public... A basic purpose of the PRA is to "provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology." (44 U.S.C. 3501(7)) (emphasis added).

The NRC reviewed applicable law and policy, as well as the NWS mission, and formulated two relevant recommendations which apply broadly to NWS products and services:

Recommendation 4. The NWS should continue to carry out activities that are essential to its mission of protecting life and property and enhancing the national economy, including collecting data; ensuring their quality; issuing forecasts, warnings, and advisories; and providing unrestricted access to publicly funded observations, analyses, model results, forecasts, and related information products in a timely manner and at the lowest possible cost to all users.



Recommendation 5. The NWS should make its data and products available in Internet-accessible digital form. Information held in digital databases should be based on widely recognized standards, formats, and metadata descriptions to ensure that the data from different observing platforms, databases, and models can be integrated and used by all interested parties in the weather and climate enterprise.

In short, making existing NWS warnings and forecasts available in a widely accepted open protocol is fully consistent with established Federal information policy, the NWS mission of protecting life and property, and the recommendations of the NRC. An industry group, the Open Mobile Alliance, sponsors Wireless Applications Protocol (WAP) and describes the protocol as "the de facto worldwide standard for providing Internet communications and advanced telephony services on digital mobile phones, pagers, personal digital assistants and other wireless terminals." We have automatically formatted existing NWS text products into WAP and made these products available on two of our web sites - the Miami Weather Forecast Office (WFO) and the National Hurricane Center (NHC) - for use by all. These web sites make it clear existing NWS warnings and forecasts in WAP format are only available through private sector service providers, e.g., quoting from the Miami web site:

WFO Miami text products (Zone forecasts and Coastal Waters forecasts) in both English and Spanish are now available through some Wireless Application Protocol (WAP) enabled cellphones and Portable Digital Assistants (PDA).

To view the Wireless WFO Miami home page, you will need a cellphone or PDA equipped with a WAP browser and an account with a wireless ISP. Contact a cellphone or wireless PDA service provider for more information.

WFO Miami and NHC are merely making available to private sector wireless Internet providers existing NWS products that have been formatted to display on devices that use WAP.

This early trial of wireless Internet gives NWS valuable experience. The Office of Management and Budget is leading an initiative, called "SAFECOM," to provide interoperable wireless solutions for Federal, state and local public safety organizations to ensure that they can share information as they respond. The NWS is helping define requirements for this government-wide initiative with other government agencies and industry. As NWS upgrades existing computer systems, the ability to automatically format data between open formats like HTML, XML,

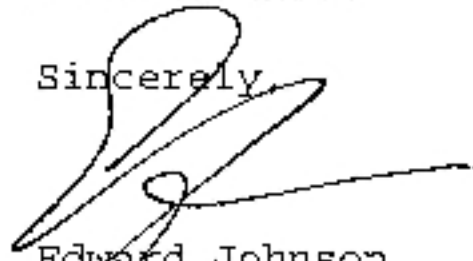
WAP and others are already built into the commercial off-the-shelf applications that come with the computer upgrades. NWS is developing plans for these upgrades and for our participation in "SAFECON," and will follow the principles of the "Fair Weather" report in seeking comment on these plans.

You have taken my statement to the NRC Committee out of context. As I stated, NWS is not investing in new infrastructure to take advantage of wireless services provided by the private sector. My statement to the NRC was intended to contrast the highly successful NOAA Weather Radio system, which requires significant investment of appropriated funds to directly disseminate warnings and forecasts to the public, with emerging private sector wireless Internet providers which will disseminate these same warnings and forecasts to subscribers without significant investment of taxpayer money on infrastructure which is being built by the private sector. NWS does nothing more than automatically format its existing information in an open and widely accepted Internet standard, leaving it to the private sector to distribute that information to their subscribers as they see fit - a stellar example of the public-private partnership in action.

In the spirit of the "Fair Weather" report, we are soliciting public comments on this new wireless Internet capability. Your letter will be forwarded to the product manager of both the WFO Miami and NHC web sites to include among the other comments received. We will carefully consider all comments before making any decisions regarding continuing or changing this capability.

Your letter asks us to halt this activity. Particularly with the upcoming hurricane season, it would be irresponsible for NWS to terminate these services without regard to the comments of others and deprive wireless Internet users of the ability to access NWS information critical to their lives and well being. As President George W. Bush has said, "With preparation, forecasting, and coordination, we can save lives and improve our Nation's ability to withstand the impact of hurricanes."

Sincerely,



Edward Johnson
Director, Strategic Planning
and Policy

cc: Max Mayfield
Rusty Pfozt



The World's Weather Authority™

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April 22, 2003

General John J. Kelly, Jr.
Assistant Administrator for Weather Services
National Weather Service – NOAA
Room 18150
Silver Spring Metro Center II
Silver Spring, MD 20910

Via Fax: 301-587-4524
Original by Regular Mail

Dear Jack:

I am writing to you in your official capacity as Assistant Administrator for Weather Services. Please consider this to be formal complaint under the Implementation Section of the Policy Statement of the Weather Services/Private Sector Roles – The National Weather Service and the Private Weather Industry: A Public – Private Partnership, 56 Federal Register 13, pp. 1984-1986, January 18, 1991 (Public/Private Partnership)

It has come to our attention that National Weather Service offices in Miami is now offering weather information to wireless devices over at least two separate URLs.

We believe that these are specialized services in the realm of the private sector. Such services have been developed and implemented and are already on-line through a variety of partnerships between the Commercial Weather Industry and the telecommunications industry. We believe that this is totally outside of the mission of the National Weather Service, competitive with private industry, a waste (if not misuse of taxpayer dollars) and a breach of faith with the private sector.

Ed Johnson, Director of the National Weather Service Office of Strategic Planning and Policy, in a presentation to the National Research Council on February 19, 2002 is quoted as saying "to take advantage of wireless services to the public, the National Weather Service need not invest in any new communications infrastructure. Indeed the National Weather Service has no plans for disseminating weather information via wireless devices."

These services are in direct competition of services that have existed in the private sector now for some time. These partnerships between Commercial Weather Industry companies and communications companies involve substantial investments which we believe is now subject to risk and unfair competition by the National Weather Service and in violation of the commitment made by Ed Johnson to the National Research Council and on which many have relied

General John J. Kelly, Jr.

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We believe this NWS activity is in violation of the Public/Private Partnership, which states in part "the National Weather Service will not compete with the private sector when a service is currently provided or can be provided by commercial enterprises, unless otherwise directed by applicable law." We believe the NWS's own policy as quoted above plus other sections thereof limits its involvement with the media to direct participation with radio and television only in urgent situations involving extreme weather, for the protection of life and property, not routine provision of media products and services as these Internet/wireless products represent and that are already available in the private sector.

We also believe this activity violates the spirit and intent of various federal laws including, but not limited to:

1. Paperwork Reduction Act of 1995
2. Federal Activities Inventory Reform (FAIR) Act of 1998
3. OMB Circular No. A-130
4. OMB Circular No. A-76

And, we believe this activity violates internal NWS policies and directives.

Further we do not believe this competitive activity, funded by taxpayer dollars, was contemplated by Congress in funding the National Weather Service.

We request this activity be halted immediately and that all National Weather Service offices be informed of their obligations.

Your most serious immediate attention to this is requested.

Very best regards,



Barry Lee Myers

BLM/bab

CC: Glenn E. Taltia, Esquire
Joel N. Myers

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